

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

WARREN D. CROZIER, for minor A.C.; and
PAULA M. CROZIER, for minor A.C.;

Plaintiffs,

vs.

WESTSIDE COMMUNITY SCHOOL
DISTRICT, ELIZABETH MEYERS, In her
individual capacity; RUSSELL OLSEN, in
his individual capacity; ENID
SCHONEWISE, in her individual Capacity;
and BLANE MCCANN, in his individual
capacity;

Defendants.

8:18CV541

ORDER

After conferring with counsel, the court is convinced that any failure of Defendants Elizabeth Meyers and Westside Community School District was due to a misunderstanding between counsel regarding the issue of filing one answer on behalf of all defendants. Specifically, defense counsel believed an agreement to that effect existed as to Meyers and Westside, and that this agreement also applied to the defendants added in Plaintiffs' amended complaint. Plaintiffs' counsel has a different memory of the conversation and believes Meyers and Westside are in default. Irrespective of whose memory, if anyone's, is correct, I find there was excusable neglect for failing to file the answer of Meyers and Westside by the deadline set by the federal rules.

Accordingly.

IT IS ORDERED:

1) Defendants' Motion for Extension of Time to File a Responsive Pleading, (Filing No. 63), is granted. As to all defendants, the deadline for filing an answer or response to Plaintiffs' complaint is June 14, 2021.

2) Plaintiffs' Motion for Entry of Default, (Filing No. 62), is denied as moot.

3) Defendants' objection to Plaintiffs' affidavit in support of the Motion for Default, (Filing No. 64), is overruled as moot.

Dated this 9th day of June, 2021.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge